

### III. REMARKS

Applicant has considered the Office Action with mailing date of Aug 15, 2006. Claims 1 - 21 are pending in this application. By this amendment, the specification and claims 1, 8 and 15 have been amended and claim 9 has been cancelled. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the specification was objected to for informalities; claims 8 - 14 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter; claims 1 - 21 are rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 5,752,242, hereinafter "Havens". Applicant disagrees with the Office's interpretation of the claimed invention and submits the following reasons for the Office's reconsideration.

#### A. OBJECTION TO SPECIFICATION

With regard to the Office's objection on the alleged typographical error in [0026] on page 10 of the specification, Applicant has replaced the term "Fig. 2" with "Fig. 3" in the sentence "Using the illustrative information shown in [Fig. 2] Fig. 3, the developer wishes the pool of potential messages to include those associated with computer program components 1E46 and 2F45, and that are stored in properties files FILE.\*, FILE2.\*, FILE3.\* and FILE 4\*, and that exist between May 08, 2003 and May 12, 2003." Accordingly, Applicant requests that the Office withdraw this rejection.

**B. REJECTION OF CLAIMS 8 – 14 UNDER 35 U.S.C. §101**

With regard to the Office's rejection of claims 8 – 14 under 35 U.S.C. §101 as allegedly claiming non-statutory subject matter, Applicant submits that currently amended Independent claim 8 is a statutory process claim. Claim 8 recite, *inter alia*, "...a message quantity and an estimated line count..." as desired information to which a developer would appreciate as a result of a practical application through the orchestration of the claimed components. Applicant submits that the desired information can be conveyed to a user/developer who may in turn apply the desired information in further computations to obtain results of real world value. As described in an example in the specification, the developer may apply the estimated line count for estimating a translation cost based on the quantity of words. To this extent, the claimed system sets forth a process, which by itself involves some form of physical transformation within a computer, providing the desired information as a useful result in a practical application within the technological arts. MPEP §2106 IV B.2(b). As such, Applicant submits that the claimed invention is directed to statutory subject matter.

In addition, "...an output system for outputting the desired information" is provided as part of the claimed system to convey the desired information to a developer/user outside the computer. The desired information may then be further manipulated outside the computer by one skilled in the art. As such, the Office's assertion that the claimed system is not directed to statutory subject matter is misplaced. Accordingly, Applicant respectfully requests that the Office withdraw the rejection.

With regard to dependent claims 10 – 14, Applicant incorporates the foregoing paragraphs and further submits that these claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

**C. REJECTION OF CLAIMS 1 – 21 UNDER 35 U.S.C. §103(a)**

With regard to the 35 U.S.C. §103(a) rejection, Applicant asserts that Havens does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8 and 15, Havens does not teach, *inter alia*, that the analyzed messages are "...delivered to a end user during execution of a computer program code...". This limitation is supported by paragraph [0004] of Applicant's original specification. In contrast to the claimed invention, Havens teaches "...a system for automated retrieval of information from one or more information sources....", col. 1, lines 38 – 39, where the "... user is...able to retrieve selected information from different information sources...", col. 1, lines 66 – col. 2, lines 1. To this extent, Havens' system for retrieving information from selected information sources by user is distinct from the claimed invention's method/system/program product for analyzing messages in properties files of a program code delivered to a user. As such, Havens does not teach or suggest the claimed feature. Accordingly, Applicant respectfully requests that the Office withdraw the rejection.

As noted by the Office on page 3 of the current Office Action, with respect to claims 1, 8 and 15, Havens fails to teach, *inter alia*, "...an estimated line count for at least one type of message..." as a desired information. The Office's statement that "It is common that ..., the size of the message in terms of word, character, or line count is also desirable for overhead computing cost analysis" does not support a *prima facie* case of obviousness. Applicant submits that the Office's factual assertion is not properly based upon common knowledge and, as such, amounts to Official Notice. Applicant respectfully requests that the Office provide references that teach this feature or withdraw the rejection.

Even if line counting software was readily available, as asserted by the Office, the Office has not provided a showing of the motivation to incorporate a line counting command from a Unix operating system into the filter framework in Havens. To this extent, the Office has not provided evidentiary support that a modification of the filter framework in Havens by

Incorporating a line counting command would lead to a likelihood of success in computing of the desired costs analysis. As such, without a showing of a likelihood of success, a person of ordinary skill would find no motivation to modify Havens. Applicant submits that the Office has not established a *prima facie* case of obviousness and respectfully requests that the Office withdraw the rejection.

Furthermore, Applicant submits that Havens does not explicitly disclose an objective to provide a method and program to calculate the cost of translating program code associated messages. The Office's assertion, on page 4 – 5 of current Office Action, that this is the case is speculative. Without teaching or suggesting a motivation to run any readily available line counting software programs, Havens does not direct one skilled in the art to consider practicing the claimed computation of translation costs based on estimated line count. As such, the claimed invention is non-obvious with respect to Havens. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

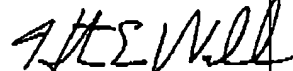
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**V. CONCLUSION**

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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